

Message Text

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PAGE 01 KUALA 06768 210941Z
ACTION L-03

INFO OCT-01 EA-10 ISO-00 CA-01 JUSE-00 SSO-00 VO-03
/018 W

-----053562 210947Z /16

O R 210915Z SEP 77
FM AMEMBASSY KUALA LUMPUR
TO SECSTATE WASHDC IMMEDIATE 9450
INFO AMEMBASSY BANGKOK
AMEMBASSY JAKARTA
AMEMBASSY SINGAPORE
AMCONSI HONG KONG 2600

C O N F I D E N T I A L KUALA LUMPUR 6768

E.O. 11652: GDS
TAGS: CPRS, SNAR, MY
SUBJECT: EXTRADITION-CHUA HAN MOW

REF: (A) STATE 225166; (B) KUALA LUMPUR 6632

1. THE EMBASSY FEELS IT WOULD BE COUNTERPRODUCTIVE TO INTRO-
DUCE THE SUBJECT OF THE VALIDITY OF THE 1931 US-UK EXTRA-
DITION AGREEMENT INTO OUR REQUEST FOR THE EXTRADITION OF
CHUA HAN MOW, AT LEAST UNTIL THE LAW MINISTER BRINGS THE
REQUEST BEFORE A MAGISTRATE. LAW MINISTER KADIR WAS
EMPHATIC IN HIS SEPT 19 MEETING WITH THE DCM THAT THE GOM
CONSIDERS THAT NO EXTRADITION TREATY EXISTS BETWEEN THE GOM
AND THE USG, NOTING THAT THE GOM HAS SUCH WITH ONLY FOUR
COUNTRIES AND SUGGESTING THAT THE GOM AND THE USG SHOULD
NEGOTIATE A NEW TREATY. HE POINTED OUT THAT THE AMENDMENT
TO THE EXTRADITION ORDINANCE 1958, WHICH ALLOWS EXTRADITION
IN PARTICULAR CASES IN THE ABSENCE OF A TREATY, WAS MADE
WITH OUR REQUEST FOR CHUA HAN MOW'S EXTRADITION IN
MIND, AND THAT THIS REQUEST WILL BE THE FIRST TO BE
ENTERTAINED UNDER THE AMENDMENT. (COMMENT: DESPITE
THE GOM'S FOOTDRAGGING OVER THE LAST TWO YEARS, WE
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GOT THE DISTINCT IMPRESSION FROM KADIR THAT THE AMEND-
MENT TO THE EXTRADITION ORDINANCE WAS THEIR WAY OF
BEING FORTHCOMING TO US ON THIS CASE. THEY WOULD NOW
CLEARLY PREFER THAT WE NEGOTIATE A NEW TREATY FOR
THE FUTURE.)

2. IN VIEW OF THE TIME CONSTRAINTS IN THIS CASE,

UNLESS INSTRUCTED OTHERWISE BY COB HERE SEPT 22, WE PROPOSE TO MAKE NO MENTION IN THE LETTER TO KADIR OF THE USG POSITION THAT THE 1931 TREATY IS STILL VALID (AS WE DID NOT MENTION THE SUBJECT IN OUR PREVIOUS EXTRADITION REQUESTS IN THIS CASE--REFS 76 KUALA LUMPUR A-103 AND KUALA LUMPUR 3070). HOWEVER, AFTER THE LAW MINISTER HAS PUT THE REQUEST BEFORE A MAGISTRATE, WE WILL MAKE THE POINT TO HIM VERBALLY THAT THE USG DOES NOT CONSIDER THE RIGHT OF EXTRADITION TO BE RECIPROCAL IF THE GOM DOES NOT ACCEPT THE VALIDITY OF THE 1931 TREATY. IF THE DEPT CONCURS, WE COULD MAKE THIS POINT IN THE CONTEXT OF APPROACHING THE GOM TO INITIATE DISCUSSIONS ON NEGOTIATING A NEW EXTRADITION TREATY.

3. RE HIRING AN ATTORNEY, SINCE WE HAVE BEEN TOLD BY KADIR THAT THE GOM CONSIDERS THAT NO EXTRADITION TREATY EXISTS BETWEEN MALAYSIA AND THE UNITED STATES, WE LIKewise FEEL THAT THE GOM WOULD BE UNWILLING TO PROVIDE ATTORNEYS TO REPRESENT USG INTERESTS IN THIS CASE ON THE ARGUMENT THAT WE WOULD RECIPROCALLY REPRESENT THEIR INTERESTS IN THE U.S. IN ANY EVENT, IT WOULD BE AWKWARD TO ARGUE A LACK OF RECIPROCITY (PARA 1 REF A) AND THEN MAKE A PLEA FOR RECIPROCITY (PARA 3 REF A) IN THE SAME CASE. ALSO, EVEN IF THE VALIDITY OF THE 1931 TREATY WERE ACCEPTED, ARTICLE 13 OF THAT TREATY
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STATES: "ALL EXPENSES CONNECTED WITH THE EXTRADITION SHALL BE BORNE BY THE HIGH CONTRACTING PARTY MAKING THE APPLICATION."

4. WE WILL PROVIDE NAMES, ADDRESSES, BACKGROUND INFORMATION AND COST DATA ON LOCAL ATTORNEYS BY THE END OF THE WEEK.
MILLER

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Message Attributes

Automatic Decaptioning: X
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Concepts: EXTRADITION, DRUG CONTROL
Control Number: n/a
Copy: SINGLE
Sent Date: 21-Sep-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
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Disposition Remarks:
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TAGS: CPRS, SNAR, MY, (CHUA HAN MOW)
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